

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ALVERNEST KENNEDY #273177 (I.D.),

Plaintiff,
v.
ORDER
10-cv-366-wmc

WARDEN JENKINS, WARDEN DITTMAN,
SGT. HESS, C.O. TOLLACKSON,
C.O. RAKIEHE, C.O. BARSHEAR,
C.O. DEMOS, C.O. GRENIER, C.O. PETTIT,
C.O. JAMES, C.O. HELMES, SGT. HILL,
CPT. WILKE, CPT. WESS, LT. TRINRUD,
LT. SAWWAL,
SECURITY DIRECTOR ECKSTEIN,
SGT. WILGUS, C.O. THEIDE,
C.O. SALSBERY and C.O. ALLEN,

Defendants.

Plaintiff Alvernest Kennedy, a prisoner at the Redgranite Correctional Institution, in Redgranite, Wisconsin, has submitted a proposed complaint under 42 U.S.C. § 1983. He has not paid the \$350 filing fee or submitted a certified copy of his six-month trust fund account statement. Therefore, I construe plaintiff's complaint to include a request for leave to proceed *in forma pauperis*. A decision on the request will be delayed until plaintiff pays an initial partial payment of the \$350 filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Plaintiff's initial partial payment cannot be calculated at this time because he has not submitted a trust fund account statement with his complaint.

Plaintiff's complaint was submitted on June 27, 2010. His trust fund account statement should cover the six-month period beginning approximately December 28, 2009 and ending approximately June 28, 2010. Once plaintiff has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the

court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2). Plaintiff should show a copy of this order to prison officials so that they are aware they should send plaintiff's trust fund account statement to this court.

ORDER

IT IS ORDERED that plaintiff Alvernest Kennedy may have until July 29, 2010, in which to submit a trust fund account statement for the period beginning December 28, 2009 and ending June 28, 2010. If, by July 29, 2010, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 8th day of July, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge